



*Insulin Management System*

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**JAN 30 2006**

Insulet Corporation  
9 Oak Park Drive  
Bedford, MA 01730  
Tel: 781-457-5000  
Fax: 781-457-5011  
www.MyOmniPod.com

## Fax Cover Sheet

**Confidential**

**To:** Commissioner for Patents

**From:** R. Anthony Diehl

**Company:** USPTO

**Pages:** 8

**Fax:** 571-273-8300

**Date:** 1/30/2006

**Telephone:**

**CC:**

**Re:** U.S. App. Ser. No. 10/681688; Atty. Dckt. No. INSL-0118CN

### Comment:

Attached is:

Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181 (3 pages) with attachments: (a) Copy of Fee(s) Transmittal Form submission dated October 20, 2005 (3 pages); and (b) Copy of Auto-Reply Facsimile Transmission showing receipt by the USPTO of the Fee(s) Transmittal Form on October 20, 2005.

Insulet Corporation

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Page 1  
Dkt: INSL-0118CN

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 10/681,688

Filing Date: October 8, 2003

Title: Flow Conditions Sensor Assembly for Patient Infusion Device

**S/N 10/681,688**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: J. Christopher Flaherty

Examiner:

Serial No.: 10/681,688

Group Art Unit:

Filed: October 8, 2003

Docket No.: INSL-0118CN

Title: Flow Conditions Sensor Assembly for Patient Infusion Device

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

This Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181 is being submitted within 2 months of the November 29, 2005 Notice of Abandonment—considering that January 29, 2005, was a Sunday.

Applicant received a Notice of Allowance and Fee(s) Due dated July 20, 2005. The Notice of Allowance and Fee(s) Due indicated that the Issue Fee of \$700 and the Publication Fee of \$300, totaling \$1000, were due by October 20, 2005.

On October 20, 2005, counsel for applicant submitted a completed and signed Fee(s) Transmittal (form PTOL-85). On the completed Fee(s) Transmittal, counsel for applicant checked the "issue fee" and "publication fee" boxes of section 4(a). Also, counsel for applicant checked the box in 4(b) authorizing the Director to charge deposit account no. 503188 all of the required fees. Counsel for applicant enclosed an extra copy of the Fee(s) Transmittal form as instructed on the form. Counsel for applicant signed and dated the Fee(s) Transmittal form in the proper section. Sufficient funds were and are present in applicant's deposit account no. 503188. Counsel for applicant also completed and signed the Certificate of Mailing or Transmission on the Fee(s) Transmittal form certifying that the form was being transmitted to the USPTO on

**BEST AVAILABLE COPY**

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 10/681,688

Filing Date: October 8, 2003

Title: Flow Conditions Sensor Assembly for Patient Infusion Device

**Page 2**

Dkt: INSL-0118CN

October 20, 2005. Thereafter, on October 20, 2005, counsel for applicant sent the completed Fee(s) Transmittal form in duplicate with a fax cover page to the USPTO by facsimile. A copy of the complete 3 page facsimile transmission showing the fee payment authorizations, signature, date and signed and dated certificate of transmission is attached.

Also on October 20, 2005, counsel for applicant received confirmation from the USPTO that the 3 page fax transmission including the Fee(s) Transmittal form was received. A copy of the Auto-Reply Facsimile Transmission is attached.

On November 29, 2005, the USPTO mailed a Notice of Abandonment indicating that the application is abandoned in view of applicant's failure to timely pay the required issue fee and publication fee within the 3-month statutory period from the mailing date of the Notice of Allowance. The USPTO indicated that the submitted fee of \$0 is insufficient and that a balance of \$1000 is due.

Applicant submits that the Notice of Abandonment was issued in error. As set forth above, applicant paid the issue and publication fees within the 3-month statutory period. With this petition, applicant submits sufficient evidence that the issue and publication fees were paid in full by the October 20, 2005 deadline. In view of the foregoing, applicant submits that the above-referenced application was not abandoned and respectfully requests that the holding of abandonment be withdrawn.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.111**

Serial Number: 10/681,688

Filing Date: October 8, 2003

Title: Flow Conditions Sensor Assembly for Patient Infusion Device

Page 3

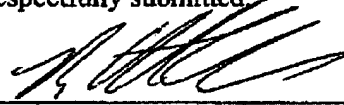
Dkt: INSL-0118CN

If necessary, please charge any additional fees or credit overpayment to Deposit Account  
No. 503188.

Respectfully submitted

Date January 30, 2006

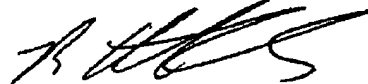
By



R. Anthony Diehl  
Reg. No. 38,432  
Insulet Corporation  
9 Oak Park Drive  
Bedford, MA 01730  
781.457.4717

**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being facsimile transmitted to the USPTO 571-273-8300 on Monday, January 30, 2006.

R. Anthony Diehl



Name

Signature



Insulin Management System

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## Fax Cover Sheet

Confidential

To: ISSUE FEE

From: R. Anthony Diehl

Company: US PTO

Pages: 3

Fax: 571-273-2885

Date: 10/20/2005

Telephone:

CC:

Re: U.S. App. Ser. No. 10/681,688; Conf. No. 7709; Atty. Dckt. No. INSL-0118CN

Comment: Issue Fee and Publication Fee Transmittal (duplicate)

Insulet Corporation

**PART B - FEE(S) TRANSMITTAL**

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or **Fax** (571) 273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

36310 7590 01/20/2005

**INSULET CORPORATION**  
9 Oak Park Drive  
Bedford, MA 01730

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

**Certificate of Mailing or Transmission**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

R. Anthony Diehl (Depositor's name)  
[Signature] (Signature)  
10/20/2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,688	10/08/2003	J. Christopher Flaherty	59249-0159 (INSL-118CN)	7709

TITLE OF INVENTION: FLOW CONDITION SENSOR ASSEMBLY FOR PATIENT INFUSION DEVICE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	10/20/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
KENNEDY, SHARON E	3762	604-067000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Insulet Corporation

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Bedford, MA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 562188 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

R. Anthony Diehl  
Typed or printed name

Date

10/20/2005

Registration No.

38,432

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
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CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

36310 7590 07/20/2005

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Bedford, MA 01730

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R. Anthony Diehl (Depositor's name)  
10/20/2005 (Date)

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10/681,688	10/08/2003	J. Christopher Flaherty	59249-0159 (INSL-118CN)	7709

TITLE OF INVENTION: FLOW CONDITION SENSOR ASSEMBLY FOR PATIENT INFUSION DEVICE

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
comprovisional	YES	\$700	\$300	\$1000	10/20/2005
EXAMINER	ART UNIT	CLASS-SUBCLASS			
KENNEDY, SHARON B	3762	604-067000			

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☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list  
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

## 3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

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(A) NAME OF ASSIGNEE

Insulet Corporation

(B) RESIDENCE (CITY and STATE OR COUNTRY)

Bedford, MA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

## 4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☐ Advance Order - # of Copies

## 4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card, Form PTO-2038 is attached.  
☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 601186 (enclose an extra copy of this form).

## 5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

Typed or printed name

R. Anthony Diehl

Date

Registration No.

10/20/2005

38,432

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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USPTO 10/20/2005 10:17 AM PAGE 1/001 Fax Server  
TO: Auto-reply fax to 17813947778 COMPANY:

## Auto-Reply Facsimile Transmission



TO: Fax Sender at 17813947778  
Fax Information  
Date Received: 10/20/2005 10:13:44 AM [Eastern Daylight Time]  
Total Pages: 3 (Including cover page)

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Received  
Cover  
Page  
=====>

To: New Fax Page 1 of 3		2005-10-20 14:10:18 (GMT)		17813947778 From: R. Anthony Diehl	
Comment: New Fee and Publication Fee Transmittal (duplicate)					
Re: U.S. App. Ser. No. 10/051,806; Conf. No. 7702; App. Date: No. INSL-0119CN					
CC:					
Date: 10/20/2005					
Pages: 3					
From: R. Anthony Diehl					
To: Issue Fee					
Company: US PRO					
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